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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

To improve transparency relating to the expenditure of Federal emergency relief funds for elementary and secondary schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on _____

A BILL

To improve transparency relating to the expenditure of Federal emergency relief funds for elementary and secondary schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Spending Every Nickel
5 on Student Education Act” or the “SENSE Act”.

1 **SEC. 2. ANNUAL REPORT ON EXPENDITURE OF ELEMEN-**
2 **TARY AND SECONDARY EMERGENCY RELIEF**
3 **FUNDS.**

4 (a) LEA REPORTS.—On an annual basis, in accord-
5 ance with subsection (d), each local education agency that
6 received funds under section 2001 of the American Rescue
7 Plan Act of 2021 (Public Law 117–2; 20 U.S.C. 3401
8 note) shall submit to the State in which the agency is lo-
9 cated a report on the expenditure of such funds during
10 the preceding year. Each report shall—

11 (1) describe the purposes for which the local
12 educational agency expended such funds during the
13 year covered by the report;

14 (2) indicate whether such expenditures are con-
15 sistent with the plan submitted by the agency pursu-
16 ant to the interim final requirement of the Depart-
17 ment of Education titled “American Rescue Plan
18 Act Elementary and Secondary School Emergency
19 Relief Fund, LEA ARP ESSER Plans” (86 Fed.
20 Reg. 21198; April 22, 2021) and, if such expendi-
21 tures are not consistent with that plan, provide an
22 explanation for the inconsistency; and

23 (3) provide the information required under
24 paragraphs (1) and (2) in a format and level of de-
25 tail that is consistent with the State and Federal re-

1 requirements applicable to the plans described in para-
2 graph (2).

3 (b) STATE REPORTS.—On an annual basis, not later
4 than 90 days after receiving the reports from local edu-
5 cational agencies under subsection (a), each State shall—

6 (1) compile the reports;

7 (2) transmit the compiled reports to the Sec-
8 retary of Education; and

9 (3) make the reports available on a publicly ac-
10 cessible website of the State in a format that is
11 downloadable, searchable, and sortable.

12 (c) POSTING BY SECRETARY.—The Secretary of Edu-
13 cation shall make each report received from a State under
14 subsection (b) available on a publicly accessible website of
15 the Department of Education.

16 (d) ANNUAL SUBMITTAL AND TERMINATION.—

17 (1) ANNUAL SUBMITTAL DATE.—The reports
18 required under subsection (a) shall be submitted
19 each year on a date determined by the Secretary of
20 Education that is at least 30 days before funds are
21 allocated to States under part A of title I of the Ele-
22 mentary and Secondary and Education Act (20
23 U.S.C. 6311 et seq.) for the next school year.

24 (2) TERMINATION OF REPORTING REQUIRE-
25 MENT.—

1 (A) FINAL REPORT.—After the date speci-
2 fied in subparagraph (B), a local educational
3 agency shall submit a final report in accordance
4 with subsection (a). Following the submission of
5 such final report, the requirement of a local
6 educational agency to submit further reports
7 under subsection (a) shall terminate.

8 (B) DATE DESCRIBED.—The date specified
9 in this subparagraph is the earlier of—

10 (i) the date on which the local edu-
11 cational agency has obligated all funds re-
12 ceived by the agency under section 2001 of
13 the American Rescue Plan Act of 2021
14 (Public Law 117–2; 20 U.S.C. 3401
15 note)); or

16 (ii) the date by which the local edu-
17 cational agency is required to obligate such
18 funds in accordance with such section.

19 (e) ENFORCEMENT.—A local educational agency that
20 does not submit a report required under subsection (a)
21 by the date determined by the Secretary under subsection
22 (d)(1), shall not be eligible to receive Federal funds under
23 part A of title I of the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 6311 et seq.) for the next
25 year for which such funds are allocated.

1 (f) DEFINITIONS.—In this section, the terms “local
2 educational agency” and “State” have the meanings given
3 those terms in section 8101 of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 7801).